

Page 2

Bond: Current bond is \$150,000.00. Based on funds currently held in unblocked accounts, bond is insufficient; however, Petitioner requests to transfer \$30,000.00 of those funds into a blocked account with Valley First Credit Union and that bond remain fixed at \$150,000.00.

Blocked Accounts: Petitioner states the balance of the WestAmerica Account xx245 at the end of this account period is \$803,009.63, which is over the FDIC insured amount of \$250,000.00. Petitioner requests authorization to withdraw \$770,000.00 from that account and deposit the funds into the various blocked accounts as set forth in the petition.

Petitioner requests to close the Wells Fargo CD Account xx568 and deposit the funds into a new blocked account at Valley First Credit Union. Because of past bank mergers, there are two CD accounts and a small checking with WF totaling over \$192,801.33. This transfer will allow funds to stay within the FDIC insured limit.

Residence: Petitioner would like to modify the Conservatee's residence to enhance his level of care and make him more comfortable. The Conservatee resides in the master suite, which has an adjoining master bathroom. The shower was not built for handicap accessibility and needs to be enlarged and opened to allow Petitioner and her husband easier access. An estimate from De Pasquale Construction totaling \$3,160.00 is attached at Exhibit A. Petitioner requests the Court approve this modification and the cost to be paid from blocked WestAmerica Account xx245.

SEE ADDITIONAL PAGES

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Petitioner prays for an order:

1. Settling and allowing this account and report and approving and confirming the acts of Petitioner as Conservator;
2. Authorizing withdrawals totaling \$770,000.00 to be deposited to blocked accounts as set forth above;
3. Authorizing withdrawal of all funds from blocked Wells Fargo CD Account xx568 and deposit of same into a new blocked account at Valley First Credit Union;
4. Authorizing \$3,160.00 for modification to Conservatee's shower;
5. Authorizing continued payment of \$2,500.00/month to Conservator to continue for the care of the Conservatee and the Conservatee's estate;
6. Authorizing Petitioner to pay Porcopio Cruz the sum of \$2,500.00/month for his care of the Conservatee;
7. Authorizing continued payment of \$1,000.00/month for relief care providers;
8. Authorizing continued payment of \$3,500.00/month for Conservatee's monthly expenses;
9. Authorizing \$3,800.00 in attorney fees plus \$27.50 in costs to be paid to the Estate of Joanne Sanoian;
10. Authorizing \$4,150.00 in attorney fees plus \$435.00 in costs to be paid to Walters & Moshrefi, Attorneys at Law;
11. Authorizing withdrawal of \$15,000.00 each from WestAmerica Bank Account xx962 and xx328 (total \$30,000.00) and deposit of same into a blocked account with Valley First Credit Union; and
12. For such other orders as the Court deems proper.

NEEDS/PROBLEMS/COMMENTS:

1. **The Order Settling Sixth Account entered 5/14/13 authorized withdrawal of \$17,995.00 for the installation of a chair lift to allow Conservatee to access the first floor without being carried down the stairs. Disbursements Schedule shows this payment was made on 5/30/13. The Court may require a receipt or other documentation or for the lift to be reflected as an asset of the conservatorship estate.**
2. **Petitioner states the account balance in one account was allowed to grow to over \$800,000.00, over three times the FDIC insurance limit of \$250,000.00. Similarly, at the close of the Sixth Account, one account balance was over \$400,000.00. The Court may require clarification as to why the account balances are not being periodically addressed in accordance with the Conservator's duty to maintain the funds in insured accounts pursuant to Probate Code §2453.**

Note: If granted, the Court will set a status hearings as follows:

- **Tuesday, June 30, 2015 at 9:00 in Dept. 303 for the filing of the receipts for blocked accounts**
- **Tuesday, March 7, 2017 for the filing of the 8th Account**

If the proper items are on file prior to the status hearing dates pursuant to Local Rule 7.5, the status hearings may be taken off calendar.

Atty Horton, Lisa M., of Walters & Moshrefi (for Conservator Kendra L. Brenson)

Status Hearing Re: Establishment of Conservatorship in Texas; Final Account

		<p>KENDRA L. BRENSON, sister, was appointed Successor Conservator of the Person and Estate on 8/2/2007.</p> <p>Order Fixing Residence Outside the State of California filed on 6/18/2014 finds the residence of the Conservatee shall be [street address omitted], Conroe, Texas; and that conservatorship of the person and estate or its equivalent shall be commenced in the state of new residence within 4 months of the date of this order. Four months from the date of the Order Fixing Residence expired on 10/18/2014.</p> <p>Status Hearing Report filed by Attorney Lisa Horton on 5/1/2015 states:</p> <ul style="list-style-type: none"> On 4/6/2015, she left voicemail messages for the Texas law firm paralegal, and Attorney HILARY H. LANE, who is now handling this matter in Texas; On 4/7/2015, she spoke with her client about getting certified copies [at cost of over \$3,000.00] versus an exemplified copy [at cost of \$236.00] of the Court file; [for background, on 2/26/15, her client had called and stated the Texas Court clerk requested a certified copy of each document]; her client confirmed she wants to move forward with the guardianship (TX term for conservatorship) proceeding in Texas; she also spoke to Attorney Hilary Lane about the guardianship process and she stated they will not have a final hearing to appoint her client as guardian until they have those certified copies, which the Texas Court is currently waiting for; on 4/10/2015, her client confirmed that she wanted Attorney Horton to order the certified copies; On 4/15/2015, she received a return message from AMBER PARK, the clerk in Montgomery County Clerk's Office who handles the guardianship matters; she stated the Texas Estates Code 1253.051 does not specify what type of certified copy, only that "the application must have attached a certified copy of all papers of the guardianship filed and recorded in the foreign court." She did further research on different CA counties and other state's court websites and found than an exemplified copy of the file is the type generally used when transferring a matter's pleading from jurisdictions; On 4/15/2015, she called the Fresno clerk and ordered an exemplified copy of the conservatorship file, and on 4/30/2015 she received a call from the Fresno clerk stating the exemplified copy was complete; At the status hearing on 5/12/15 she should know when the Texas guardianship hearing is set. 	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 4/6/2015. Minute Order states the Court grants a 30 day continuance, but Counsel is to start inquiries regarding the Conservatorship in Texas immediately.</p> <p>The following issues from the last hearing remain:</p> <ol style="list-style-type: none"> Need proof of the establishment of conservatorship of the person and estate or its equivalent in the State of Texas. Need Second and Final account of the conservatorship pursuant to Probate Code § 2620 et seq.
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<p>Reviewed by: LEG</p> <p>Reviewed on: 5/8/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 2 - Harris</p>			

3 Ariel Golden, Dallas Kerns, Dylan Kerns & Dewayne McCoy (GUARD/P)

Case No. 09CEPR00065

Guardian Crawford, Angelita C. (Pro Per – Guardian)

Petitioner English, Anita (Pro Per – Mother)

Petition for Visitation

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Respondent's Notice of Motion and Motion for Dismissal

		<p>VICTOR THOMAS ("TOM") VOLPA, Respondent and Trustee of the ALLEN JOSEPH VOLPA and ETHEL VOLPA FAMILY TRUST dated APRIL 19, 1990, moves the Court for an order dismissing this action and for a judgment of dismissal pursuant to Cal. Rule of Court 3.1342(e) on the grounds that Petitioner PEGGY ANN SMITH has failed to bring the action to trial within three years of commencing the action and has failed to bring the action to trial within five years of filing.</p> <p>Declaration of Jared C. Marshall in Support of Motion states: Petitioner Peggy Ann Smith (now Talbot) was deposed on 12-1-11, transcript at Exhibit 1. Petitioner admits that shortly before Allen Joseph Volpa's death, he told her that Tom and Tom's half-brother, Allen, would receive the business and that she would receive approximately one third of his remaining assets. Subsequently, she confirms that she understood his comments to mean that Allen and Tom would own the business after his death.</p> <p>At Page 66 of the transcript, Petitioner makes reference to conversations that she had with Respondent about the trust, and admits that she discussed trust assets with Tom when he was going to be sending some money or if she needed money.</p> <p>Petitioner admitted that at some point, she understood that she had received everything that she was going to get under the trust, and admits that she never called Tom to ask about shares of Rice Road, and admits that she never asked for an inventory of trust assets and never asked to see copies of appraisals.</p> <p>Taken together, these admissions present a strong case against Petitioner's claims that she is entitled to shares of Rice Road and that Respondent did not keep her informed of the Trust administration. Furthermore, these admissions establish that Petitioner was informed of the administration of the trust, knew that she was not going to be receiving shares of Rice Road, and that she did nothing to pursue her claims until seven years later.</p> <p>See Memorandum of Points and Authorities and Request for Judicial Notice of: 1) Petition filed 1-6-10, 2) Objection filed 5-25-10, and 3) Declaration filed 12-27-11.</p>	<p>NEEDS/PROBLEMS/ COMMENTS:</p> <p>Continued from 4-7-15 for direct notice to Ms. Smith. Notice of this continued hearing was mailed 4-8-15.</p> <p>Note: Minute Order 2-21-12 states: "Parties convene in chambers off the record for further discussion." The file does not reflect any further hearings or filings after that date.</p>	
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Reviewed by: skc

Reviewed on: 5-7-15

Updates:

Recommendation:

File 4 – Volpa

		BRANDI CHAVONNE LANIER , guardian, filed an ex parte Petition to Fix Residence Outside the State of California on 3-6-14. The Court set the matter for hearing on 3-19-14. At the hearing on 3-19-14, the Court granted the petition and set this status hearing for the filing of proof of guardianship in Missouri. Status Report filed 7-9-14 states the family move to Springfield, Missouri on 3-22-14. Since moving, Caitlin and Autumn have been doing well and are in communication with their parents. On 6-23-14, Mrs. Lanier met with an attorney from Legal Services of Southern Missouri, who told her that guardianship could not be established in Missouri until they had resided there for six months pursuant to the Uniform Child Custody Jurisdiction and Enforcement Act. Mrs. Lanier intends to contact the attorney in October to establish guardianship. Mrs. Lanier therefore requests that the Court postpone the status hearing until after November 15, 2014, and that the California Guardianship remain in full force and effect until guardianship in Missouri can be established. Status Report filed 12-31-14 states Ms. Lanier has been approved to receive legal representation through Legal Services of Southern Missouri's Volunteer Lawyer Project to establish a guardianship in the State of Missouri. Attached are notarized consent forms signed by both parents, Kenneth Lanier and Erin Zane.	NEEDS/PROBLEMS/COMMENTS: Minute Order 4/14/15: Ms. Lanier represents that she has obtained a case number from her attorney in Missouri but was not provided with a hearing date. The Court orders that a hearing date in the Missouri court must be provided at the hearing on 5/12/15 in this court. Update: Status Report filed 5/7/15 states she has retained Attorney James Poe, who has filed all the paperwork to transfer the guardianship to Missouri and a hearing is set for 5/15/15. Attached are documents filed in the Circuit Court of Greene County Missouri, Case Number 1531-PR00321. 1. Need proof of establishment of guardianship or equivalent in Missouri pursuant to Probate Code §2352(d).
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Petitioner

Emery, Debra M. (pro per – daughter)

Petitioner

Wadford, Regina (pro per – daughter)

Amended Petition to Determine Succession to Real Property (Prob. C. 13151)

DOD: 06/23/09		DEBRA EMERY and REGINA WADFORD , daughters, are Petitioners. 40 days since DOD No other proceedings. I & A – not attached to Petition. Will dated – not attached to the Petition. Petitioners request Court determination that real property located at [NEED ATTACHMENT 11] pass to then pursuant to decedent's will [NEED COPY OF WILL] .	NEEDS/PROBLEMS/COMMENTS: <u>Note:</u> Petitioners previously filed a Petition to Determine Succession in 2011, however they did not appear at the hearing and the matter was taken off calendar. Need amended Petition with all relevant attachments due to, but not limited to, the following: 1. Petitioners are using an outdated form. Form DE-310 was revised July 1, 2012. The most current form should be used. 2. The Petition is not marked at item 9(a)(3) regarding issue of a predeceased child. 3. Petitioners do not attach an Inventory & Appraisal to the Petition. It is noted that an Inventory & Appraisal was filed 01/25/11 in connection with Petitioner's previous petition; however, a copy of the Inventory & Appraisal being relied upon for this Petition should be attached. 4. The Petition is missing attachment 11 which is to contain the legal description and APN of the property seeking to be passed with this petition. 5. The Petition is missing a copy of the will, which should be attached. It is noted that a will dated 08/19/97 was included with the previous petition, however a copy of the will being relied upon for this petition should be attached. 6. Need <i>Notice of Hearing</i> and proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> to all persons listed in item 14. 7. Need Order.	
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Reviewed on: 05/07/15				
Updates:				
Recommendation:				
File 6 – Taylor				

Amended First Account and Report of Trustee of Edward Crable Special Needs Trust; Amended Petition to Settle Account

Age: 18	PATTI CRABLE , trustee, is petitioner.	NEEDS/PROBLEMS/COMMENTS: <u>OFF CALENDAR</u> Amended Petition filed 04/27/15 and set for hearing on 06/11/15
	Account period: 09/25/12 – 08/15/14	
	Accounting - \$19,250.00?	
	Beginning POH - \$0.00	
	Ending POH - \$9,250.00	
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		Reviewed by: JF
		Reviewed on: 05/07/15
		Updates:
		Recommendation:
		File 7 - Crable

Atty Hinshaw, Caroline K. (for Mark Reiff – Executor – Petitioner)

Atty Teixeira, J. Stanley (for Scott Raven – Objector)

Petition for Instructions

DOD: 3-29-13		<p>MARK REIFF, Executor with full IAEA and bond of \$2,100,000.00, is petitioner.</p> <p>Petitioner states: The beneficiaries of the estate are Concordia Lutheran Church, Kingsburg, CA, Kingsburg High School, Fresno Chapter of the Arthritis Foundation, The Lutheran Hour, and the American Heart Association. Requests for Special Notice have been filed by Colleen Zanovitch (whose interest has been distributed), J. Stanley Teixeira, Esq., attorney for Scott Raven, American Heart Association, and State of California Franchise Tax Board (since withdrawn).</p> <p>The decedent owned a 50% interest in Levin & Carlson, a California General Partnership, and also owned title to 50% of the partnership land, as set forth on Corrected I&A #3 filed 1-23-15. The other partner is Marilyn Lungren. Both women inherited their interests from their parents. The terms of the partnership documents permit continuance of the business upon agreement between Petitioner and the surviving partner or dissolution of the partnership at the end of the crop year following the death of a partner.</p> <p>Petitioner's counsel periodically followed up with counsel for Ms. Lungren regarding the business, requesting reports, et al., required by the partnership documents if the business was to continue following the decedent's death. Ms. Lungren did provide certain information, including a nice letter dated 4-2-14, in which she notes that taxes are due in December 2014, giving the appearance that she intended for the partnership business to continue for a lengthy period of time.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: The Order Settling Executor's First Account entered 12-8-14 authorized continuation of the administration for up to one year. A status hearing was set for 1-11-16 for the filing of the Second and Final Account.</p>	
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SEE ADDITIONAL PAGES**Reviewed by:** skc**Reviewed on:** 5-7-15**Updates:****Recommendation:****File 9A - Carlson**

Page 2

Petitioner states: The partnership is the lessor and Scott Raven is the lessee of that certain farm lease dated 12-1-02 (extension of prior 1993 lease) that expires in 2023 (Exhibit D). Complicated rights to purchase the real property are included in the referenced documents. The documents give Ms. Lungren the right to purchase the estate's interest in the partnership land. Scott Raven has a right of first refusal in the Farm Lease in the event the land is sold, but not if purchased by Ms. Lungren.

Earlier in 2014, communications occurred between Petitioner and Ms. Lungren and counsel regarding Ms. Lungren's intentions with respect to her right to purchase the decedent's interest. After a few months, Ms. Lungren proposed that she and Petitioner jointly market the real property. A price range was discussed in July 2014 between Petitioner and his counsel, Ms. Lungren and her counsel (Russell Wood, Esq.), and James Olivas, farm land specialist realtor.

Subsequently, Ms. Lungren and Petitioner agreed that an offer should be made to Scott Raven for purchase of the land for \$32,000/acre less 4% in lieu of a real estate commission. This is in the range of the FMV that Mr. Olivas had suggested. Mr. Wood sent a letter to Mr. Raven, copied to his attorney, J. Stanley Teixeira, on 8-5-14 communicating the offer to sell the partnership land (Exhibit E).

On 10-6-14, Mr. Teixeira transmitted a letter to Petitioner's counsel via email and mail informing her that Scott Raven and Charlyse Raven had purchased Ms. Lungren's interest in the partnership land for an undisclosed price. See deed purporting to convey interest at Exhibit F. The amounts of transfer taxes are not disclosed, concealing the amount of reported consideration for the purported transaction. Mr. Teixeira's letter also included an offer to purchase the estate's interest in the partnership real property for \$1,000,000.00.

To inform the Court, 241.9 acres at \$32,000/acre calculates to \$7,740,800; the estate's 50% share is \$3,870,400. On information and belief, the Probate Referee considers the lengthy lease to Scott Raven to be a detriment to value and appraised the land in the range of \$12,000/acre as of the decedent's death (3-29-13), severely discounting the value. The Probate Referee assigned a value of \$1,456,021 to the combined partnership land, \$12,021 of which was partnership cash.

To further inform the Court, the partnership documents prohibit sale of the partnership land by a partner without the consent of the other partner. Petitioner believes Ms. Lungren may have breached her fiduciary duties as partner by purporting to sell her interest in the land to Scott Raven and his wife, that the purported sale may be void or voidable and/or that Ms. Lungren may be liable to Petitioner and the estate by reason of her breach. From the information communicated to Petitioner by Mr. Olivas and others, Mr. Raven's proposal to purchase the estate's share of the partnership land is egregiously under market value.

Petitioner requests an order of this Court authorizing Petitioner not to proceed to sell the estate's interest in the partnership land as proposed by Mr. Raven.

SEE ADDITIONAL PAGES

Page 3

Petitioner states: Petitioner believes he has rights to partition the land and is informed that if Mr. Raven's purchase is valid, the consequence may be that his leasehold is extinguished, thereby relieving the partnership land of the burden of the lease on its value and tremendously increasing the value to the estate.

In the alternative, if the lease is valid, it disparages the value of the land, and Petitioner may be better served to wait until the lease expires in 2023 and then sue in partition. The charitable beneficiaries of the estate are better served by obtaining the earliest highest and best price on sale of the land, and are not well served by delayed distribution, however, waiting until the value is not adversely impacted by the lease is in the beneficiaries' best interest.

Petitioner alleges that as executor and on behalf of the estate, he may have valid claims against Ms. Lungren, Mr. Raven, and potentially others. Petitioner does not have the legal knowledge to evaluate all of these issues and requires advice of skilled legal counsel to act prudently in these circumstances on behalf of the estate and beneficiaries.

Petitioner therefore requests authority to engage his attorneys, Bryan Hinshaw, a professional corporation, to provide him with a thorough legal analysis of the current issues. Exhibit G is a proposed fee agreement and CV of attorneys Richard Bryan and Caroline Hinshaw. The attorneys have indicated that they cannot accommodate the foreseeable level of legal work required to complete an analysis and advise Petitioner as to next steps if payment of fees for their services will be deferred for a long time period.

Therefore, Petitioner requests that the Court authorize execution of the proposed fee agreement and payment for legal services billed at regular rates up to the sum of \$25,000.00 for Bryan Hinshaw to provide advice and guidance regarding the partnership and land. Petitioner understands that these legal services are separate from the decedent's estate and are to be accounted for separately. Both the legal services and the charges therefor in connection with the partnership land matters will be subject to subsequent Court review and can be reported periodically if the Court so wishes.

In addition, Petitioner is in a quandary regarding management of the partnership land in these uncertain circumstances. For example, County Tax Collectors will not accept partial payment of taxes. The portion purchased by Scott Raven will be reappraised for real property tax purposes. The estate should not incur the anticipated greatly increased real property taxes consequent to the reappraisal. Other issues include insurance, utilities, wells, etc. See declaration of J. Stanley Teixeira filed 11-24-14.

To avoid penalties, Petitioner has paid the first installment of the 2014-2015 real property taxes on the land pursuant to tax bills received and certain water district assessments. Pending resolution, Petitioner requests the Court authorize Petitioner to pay 50% of the expenses and costs associated with the estate's ownership of the land and require Scott Raven and Charlyse Raven to pay the other 50%. Upon the anticipated legal analysis and recommendations from counsel, Petitioner will develop a plan of action and may apply again to the Court for instructions or complaints for declaratory or other relief.

SEE ADDITIONAL PAGES

Page 4**Petitioner requests this Court to order that:**

- 1. Executor is authorized to not proceed to sell Estate's interest in the partnership land as proposed by Mr. Raven;**
- 2. Executor is authorized to execute the fee agreement in the form attached hereto as Exhibit G to engage Bryan Hinshaw as counsel and to pay the attorneys fees for legal services on invoice up to the amount of \$25,000.00 from the Estate, such legal services and the charges therefor to be subject to later review and approval by this Court;**
- 3. Pending resolution of the issues, Petitioner requests the Order of this Court authorizing Petitioner to pay 50% of expenses and costs associated with the Estate's ownership of the subject land and requiring Scott M. Raven and Charlyse Raven to pay the other 50% of such expenses and costs; and**
- 4. Such further order be made as the Court considers proper.**

See also Memorandum of Points and Authorities in Support of Petition for Instructions filed 12-22-14.**Objection were filed by Scott M. Raven, along with Memorandum of Points and Authorities, on 2-23-15. Supplement to Objections was filed 2-27-15.**

Objector states Marlyn Lungren sold her interest to Objector by Grant Deed dated 9-29-14, and Ms. Hinshaw was advised of the sale by letter dated 10-6-14. No response was received for two and a half weeks, evidenced by Ms. Hinshaw's letter of 10-24-14. At no time during the course of repeated inquiry about purchasing the estate's interest in the land did Mr. Reiff or his attorney provide any indication that sale of the land implicated partnership interests. Objector was a bona fide purchaser of Ms. Lungren's interest in the property and Chicago Title Company provided title insurance without reservation.

Objector has made offers for purchase of the estate's interest and stands willing to purchase the property and negotiate terms of sale. There are factors affecting the value which if not addressed immediately could result in serious economic damage to the estate. The plum trees on the property are at risk of being dead within six months or less. Due to continuing uncertainties and delays, Objector has now served Executor with a demand for immediate response to this situation by virtue of a letter form attorney Justin Campagne to Ms. Hinshaw.

Executor requests that he be authorized not to sell the estate's interest in the land as proposed by Objector. If this means specifically Objector's offer of \$1,000,000, it is irrelevant, as Objector has already confirmed his willingness to negotiate and will address the most recent appraisal. If the request is intended to bar any sale to Objector, then it is illogical as he is the most likely and logical buyer for the estate's one half undivided interest. Executor suggests waiting for the lease to expire before selling. This blissfully ignores the impact of projected drought conditions for the foreseeable future and lack of any guarantee the property will be worth the same or more at that time.

Executor requests authorization to enter into a fee agreement for extraordinary legal services up to \$25,000. This seems an unnecessary and exorbitant charge on the estate's resources given that Objector does not dispute the estate's ownership interest or his obligations under the lease.

SEE ADDITIONAL PAGES

Objector states (Continued):

Petitioner requests the Court order Objector to pay 50% of the expenses and costs of the estate's ownership of the land. Objector, as a 50% owner of the land, is willing, has paid, and will pay 50% of expenses and costs associated with ownership, and as such, no order is necessary. Further, Objector, as a tenant, has paid rental proceeds as required under the terms of the lease, and has observed all terms and conditions and confirms obligations to the estate as a tenant.

In summary, Objector objects to the petition for instructions as irrelevant and unnecessary, causing undue expenses and protracted delay in estate administration, not to mention the risk to the estate posed by the glacial pace of response to the water/well matter. Objector has retained the services of Attorney Justin T. Campagne to evaluate potential action and remedy with respect to the apparent delay of the executor in addressing the water issues. Attorney Campagne has been in contact with Attorney Hinshaw, and is trying to ascertain whether any arrangements have been made by the executor for moving forward with drilling water wells. Attorney Campagne was informed that the Executor is in Israel for three weeks and his attorney has no means to communicate with him and cannot confirm whether the estate will replace the wells pursuant to the lease.

Despite repeated attempts to communicate regarding the urgency of this matter, Executor has been slow to respond and is now **incommunicado** (emphasis in original), though he is not in a third world country.

See Points and Authorities in support of Objection.

Attorney for Executor filed Memorandum of Points and Authorities in Response to Objection on 3-3-15.

See document for details.

9B Ivone Carlson (Estate)

Case No. 13CEPR00294

Atty Hinshaw, Caroline K. (for Mark Reiff – Executor – Petitioner)

Atty Teixeira, J. Stanley (for Scott Raven – Objector)

Probate Status Hearing RE: Mediation.

	MARK REIFF , Executor, filed Petition for Instructions on 12/22/14.	NEEDS/PROBLEMS/COMMENTS:
	SCOTT RAVEN , an interested person, filed Objection to Petition on 2/23/15.	
Aff.Sub.Wit.	Minute Order 3/10/15 states the Court feels mediation is needed; however, Ms. Lungren does not need to be involved. Written status reports regarding mediation are to be filed no later than 5/5/15.	
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen	Status Report filed 4/28/15 by Attorney Teixeira (for Scott Raven) states the parties have agreed to a mediator, Nickolas J. Dibiaso, and mediation is scheduled for 5/21/15.	
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report	Status Report filed 5/1/15 by Attorney Hinshaw (for Mark Reiff) states mediation is scheduled for 5/21/15.	
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 5/7/15
		Updates:
		Recommendation:
		File 9B - Carlson

9B

(1) Petition for Termination of Further Probate Proceeding and (2) Discharge of Personal Representative

DOD: 8/17/12		EDWARD SIMPSON , Administrator, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Petitioner states that decedent died in an auto accident in 2012. The decedent's estate was entitled to an insurance policy of approximately \$1,000,000. The estate was opened to handle the insurance matter.	
Cont. from		In the car accident that killed the decedent, there was a passenger that was injured. That passenger hired an attorney and filed suit for the full \$1,000,000 policy. The parties went to mediation in San Diego on 6/20/14 and settled the matter. A final settlement agreement was approved by the Tulare Superior Court in September 2014. According to the terms of the settlement, the estate of the decedent will not be receiving any funds. A sum of money will be placed into a blocked account according to a Minor's Compromise approved by the Tulare Superior Court for the Benefit of decedent's son. In addition, when he turns 18, he will start receiving structured lump sum payments. The other funds were paid out to the attorneys, the passenger, the minor's mother and decedent's father.	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified	There is no estate property of any kind subject to administration. Pursuant to Probate Code § 12251(a), the probate proceedings should be terminated and Petitioner should be discharged as Administrator.	
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters	10/22/13	
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input checked="" type="checkbox"/>	FTB Notice		

Reviewed by: KT

Reviewed on: 5/7/15

Updates:

Recommendation:

File 10 - Simpson

Report of Sale & Ptn for Order Confirm Sale of Real Property

DOD: 8/21/12		<p>GILDA N. WALKER, Administrator with Limited IAEA, is Petitioner.</p> <p>Sale price: \$90,000.00 Overbid: \$95,000.00</p> <p>Reappraisal: \$107,000.00</p> <p>Property: 1523 W. Cambridge Ave. Fresno, CA 93705</p> <p>Publication: Business Journal</p> <p>Buyer: EVC Homes, LLC</p> <p>Broker: 6% or \$5,400.00 to be split \$2,700.00 each to Masiello Real Estate and Guarantee Real Estate</p> <p>Terms of sale: AS IS condition, no repairs, subject to Court confirmation, seller to pay buyer's policy of title insurance, natural hazard zone disclosure report, County/City transfer tax or fee, if any. Escrow fees to be paid 1/2 buyer, 1/2 seller. Buyer waives purchase of home warranty. 6% commission. Probate Advisory. Possible representation of more than one buyer or seller disclosure and consent, buyer's inspection advisory.</p> <p>Petitioner states the property was listed for sale with a prior realtor, placed on MLS, several offers received well below appraisal and current offer with several conditions, listing expired. Masiello Real Estate was obtained to list the property, secured the current purchaser in short period of time with offer more than 90% of appraised value.</p> <p>Petitioner requests to deposit proceeds into a blocked account.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. The sale price is only 84% of the reappraised value. Probate Code §10309 requires the offer to be at least 90% of the appraised value for Court confirmation of sale.</p> <p>Note: If granted, the Court will set a status hearing for the filing of a receipt for the deposit of proceeds into blocked account as follows:</p> <ul style="list-style-type: none"> Tuesday, June 23, 2015 <p>If receipt is filed, the status hearing may come off calendar.</p>	
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input checked="" type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail			W
<input checked="" type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input checked="" type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			

Reviewed by: skc

Reviewed on: 5/7/15

Updates:

Recommendation:

File 11 - Miles

Status Hearing Re: Filing of the First Account and/or Petition for Final Distribution

DOD: 05/23/2013	DONALD J. GRANZ , son, was appointed Executor with full IAEA authority without bond, on 09/03/2013.	NEEDS/PROBLEMS/COMMENTS: Minute Order of 11/07/2014: Counsel requests an additional 6 months. 1. Need First Account or Petition for Final Distribution.
	Letters issued 09/03/2013	
Cont. from 110714	Partial No. 1 Inventory and Appraisal filed 01/29/2014 shows an estate valued at \$361,346.16.	
Aff.Sub.Wit.	Final Inventory and Appraisal filed 01/29/2014 shows an estate valued at \$200,000.00.	
Verified	Minute Order of 09/03/2013 set this Status Hearing for the filing of the First Account and/or Final Distribution.	
Inventory	Status Report of Counsel filed 05/07/2015 states the administration was unexpectedly delayed during the summer of 2014 when the Executor became ill and was required to be hospitalized for two surgeries. At the initial status hearing, in order accommodate his recovery, the court granted a continuance of 6 months.	
PTC	The Executor recovered sufficiently from his illness to press forward with the estate administration in the fall of 2014, which included finalizing the sale of the Decedent's residence on December 31, 2014. The net proceeds of sale have been deposited and are being held in the estate bank account. No adjustments to bond is requested as bond is waived.	
Not.Cred.	In the removal of the last of the Decedent's belongings from the residence at the time of sale, numerous boxes of what was previously thought to be superseded older files were removed for further inspection prior to disposal. The Executor discovered among these boxes reference to a safe deposit box. The safe deposit box was subsequently located and opened, and a large number of original stock certificates for shares of stock in multiple companies were retrieved. These assets were unknown to the Executor prior to the recovery of the original stock certificates. An Inventory and Appraisal, Supplemental, reporting these new assets is being prepared and will be submitted to the Probate Referee.	
Notice of Hrg	The other two beneficiaries of the estate, the Executor's siblings are aware of the new assets and want Donald J. Granz, Jr. to continue as Executor. The Executor requests the court continue this matter for four months to allow the Executor to conclude the administration in of the probate estate.	
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

Reviewed by: LV

Reviewed on:
05/08/2015

Updates:

Recommendation:

File 12 - Granz

Atty Jackson, Bobbie D. (Pro Per – Petitioner – Mother)

Petition for Visitation

Devon, 15	BOBBIE D. JACKSON, mother, is petitioner.		NEEDS/PROBLEMS/COMMENTS: Minute Order of 04/28/2015: The Court terminates the guardianship on its own motion as to Devon only. The Court orders Bobbi Jackson to bring paper proof of Devon's enrollment in school and drug test results to the hearing on 05/12/2015.	
Khamile, 7	<u>Please see petition for details</u>			
Titus, 4				
Cont. from 031715, 042815				
<input type="checkbox"/> Aff.Sub.Wit.				
<input checked="" type="checkbox"/> Verified				
<input type="checkbox"/> Inventory				
<input type="checkbox"/> PTC				
<input type="checkbox"/> Not.Cred.				
<input checked="" type="checkbox"/> Notice of Hrg				
<input checked="" type="checkbox"/> Aff.Mail				w/o
<input type="checkbox"/> Aff.Pub.				
<input type="checkbox"/> Sp.Ntc.				
<input type="checkbox"/> Pers.Serv.				
<input type="checkbox"/> Conf. Screen				
<input type="checkbox"/> Letters				
<input type="checkbox"/> Duties/Supp				
<input type="checkbox"/> Objections				
<input type="checkbox"/> Video Receipt				
<input type="checkbox"/> CI Report				
<input type="checkbox"/> 9202				
<input type="checkbox"/> Order				n/a
<input type="checkbox"/> Aff. Posting				
<input type="checkbox"/> Status Rpt				
<input type="checkbox"/> UCCJEA				
<input type="checkbox"/> Citation				
<input type="checkbox"/> FTB Notice				
			Reviewed by: LV	
			Reviewed on: 05/08/2015	
			Updates:	
			Recommendation:	
			File 13 – Fisher & Watson	

Age: 2		SHAWN LEE MILTON, father, is petitioner. <u>Please see petition for details</u>	NEEDS/PROBLEMS/COMMENTS: Minute Order of 04/28/2015: Mr. Splivalo requests a continuance. 1. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Visitation pursuant to Probate Code § 1460 on the following: <ul style="list-style-type: none"> Michael W. Purkey, Jr. (Guardian) – Unless the court dispenses with notice. Note: Declaration of Due Diligence filed 04/09/2015 states petitioner has only been able to come up with a P.O. Box for Michael Purkey, Jr. He states he last had contact with him a year ago. <ul style="list-style-type: none"> Julie E. Skaggs (Guardian) 	
Cont. from 042815				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			w/o
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order	n/a		
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: LV	
			Reviewed on: 05/08/2015	
			Updates:	
			Recommendation:	
			File 14 - Milton	

Objection to Petition for Visitation filed by Attorney Michael Splivalo on 04/24/2015 states Pursuant to Code of Civil Procedure Section 1005(b): requires that any motion of the court, unless ex parte or under order shortening time be served on the other party not less than sixteen (16) court days prior to hearing. If mailed, five (5) calendar days are added to the sixteen (16). The hearing was set for 04/28/2015 at 9:00am in Department 303. Michael Purkey, Jr. was served by mail on 04/16/2015. That is eleven (11) calendar days prior to the hearing. There is also no proof of service.

Additionally, Shawn Milton provides no facts to support his petition. He provides no proof of Alcoholics Anonymous (AA) or Narcotics Anonymous (NA) meetings, no proof of completing any parenting courses, (although not required), no proof of his residence or placement at the Poverello House. The minor Aydha is two (2) years old and has been with Mr. Purkey and Julie Cable Skaggs since she was four (4) months old.

Response to Request for Petition for Visitation by Shawn Milton filed by Michael Purkey, Jr. on 04/24/2015 states he received in the mail on or about 04/20/2015 a Notice of Hearing, form GC-020 from Shawn Milton requesting visitation of Aydha. Mr. Purkey states he saw there was a hearing set for 04/28/2015 at 9:00am in Department 303. He states he is informed that any motion of the court should be served sixteen days prior to the hearing and if mailed, five calendar days are added to the sixteen days for a total of twenty-one days. That is 11 calendar days prior to the hearing. There was also no proof of Service within the envelope or attached request. Mr. Purkey states he was informed that a proof of service should have been served by a person to whom has reached the age of 18 and not a party to the action. Again no such form was provided.

Attorney: Jared C Marshall (for Petitioner/Executor Julia Ann Brungess)

1) Waiver of First and Final Account and Report of Executor and Petition for Settlement Thereof; (2) for Allowance of Executor's Compensation for Ordinary Services and Reimbursement for Out-of-Pocket Costs; (3) for Allowance of Attorney's Fees for Ordinary and Extraordinary Services and Reimbursement of Advanced Costs; and (4) for Final Distribution

DOD: 2/12/14		JULIA ANN BRUNGESS , Executor, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Accounting is waived.	
Cont. from		I & A - \$ 885,681.24	
<input type="checkbox"/>	Aff.Sub.Wit.	POH - \$1,034,799.57	
<input checked="" type="checkbox"/>	Verified	Attorney (statutory) - \$23,411.28	
<input checked="" type="checkbox"/>	Inventory	Attorney x/o - \$1,260.50 (for sale of real property. 5.70 hrs @\$135 - \$370 per hour)	
<input checked="" type="checkbox"/>	PTC	Attorney costs - \$1,399.62 (filing fees, publication, certified copies, Fed Ex)	
<input checked="" type="checkbox"/>	Not.Cred.	Executor (statutory) - \$23,441.28	
<input checked="" type="checkbox"/>	Notice of Hrg	Executor costs - \$21,290.94 (for upkeep on real property prior to sale)	
<input checked="" type="checkbox"/>	Aff.Mail W/	Closing reserve - \$4,950.00	
<input type="checkbox"/>	Aff.Pub.	Distribution, pursuant to Decedent's Will, is to:	
<input type="checkbox"/>	Sp.Ntc.	James Russell Brungess - \$258,574.90;	
<input type="checkbox"/>	Pers.Serv.	Larry John Brungess - \$244,274.89, 2013 Chevy Impala and household furniture and furnishings;	
<input type="checkbox"/>	Conf. Screen	Laura Da Silva - \$257,774.89 and household furniture and furnishings;	
<input checked="" type="checkbox"/>	Letters 5/7/14	Julia Ann Brungess - 252,616.89, household furniture and furnishings, 200 shares of Exelon.	
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input checked="" type="checkbox"/>	FTB Notice		

Reviewed by: KT
Reviewed on: 5/7/15
Updates:
Recommendation:
File 15 - Brungess

Neveah Age: 2 yrs		TEMPORARY AS TO NAVAEH EXPIRES 05/12/2015 EDDIE ALEGRIA, cousin, is petitioner. <u>Please see petition for details</u>	NEEDS/PROBLEMS/COMMENTS: Note: Petition is as to Nevaeh only. Pursuant to Minute Order of 12/15/2014 the petition as to Josiah was withdrawn. The following issues remain: 1. Need Notice of Hearing. 2. Need proof of personal service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> Pablo Dominguez, III (Father of Nevaeh) – Unless the Court dispenses with notice Note: Declaration of Due Diligence filed 12/11/2014 states she does not know him. The day he came to take the child he gave her his number but because she never got an answer she assumed it was the wrong number. <ul style="list-style-type: none"> Chrissy Quair (Mother)-Unless the Court dispenses with notice. Note: Declaration of Due Diligence is incomplete. It does not provide any information regarding petitioner's last contact nor the results of her search for the mother. 3. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> Paternal Grandfather of Nevaeh (Not Listed) Maylou Dick (Paternal Grandmother) Maternal Grandfather (Not Listed) Maternal Grandmother (Not Listed) 	
Cont. from 081414, 101414, 011315, 022415, 040715				
<input type="checkbox"/>	Aff.Sub.Wit.			<input type="checkbox"/>
<input checked="" type="checkbox"/>	Verified			<input type="checkbox"/>
<input type="checkbox"/>	Inventory			<input type="checkbox"/>
<input type="checkbox"/>	PTC			<input type="checkbox"/>
<input type="checkbox"/>	Not.Cred.			<input type="checkbox"/>
<input type="checkbox"/>	Notice of Hrg			<input checked="" type="checkbox"/>
<input type="checkbox"/>	Aff.Mail			<input checked="" type="checkbox"/>
<input type="checkbox"/>	Aff.Pub.			<input type="checkbox"/>
<input type="checkbox"/>	Sp.Ntc.			<input type="checkbox"/>
<input type="checkbox"/>	Pers.Serv.			<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Conf. Screen			<input type="checkbox"/>
<input checked="" type="checkbox"/>	Letters			<input type="checkbox"/>
<input checked="" type="checkbox"/>	Duties/Supp			<input type="checkbox"/>
<input type="checkbox"/>	Objections			<input type="checkbox"/>
<input type="checkbox"/>	Video Receipt			<input type="checkbox"/>
<input checked="" type="checkbox"/>	CI Report			<input type="checkbox"/>
<input type="checkbox"/>	9202			<input type="checkbox"/>
<input checked="" type="checkbox"/>	Order			<input type="checkbox"/>
<input type="checkbox"/>	Aff. Posting	<input type="checkbox"/>		
<input type="checkbox"/>	Status Rpt	<input type="checkbox"/>		
<input checked="" type="checkbox"/>	UCCJEA	<input type="checkbox"/>		
<input type="checkbox"/>	Citation	<input type="checkbox"/>		
<input type="checkbox"/>	FTB Notice	<input type="checkbox"/>		
Reviewed by: LV				
Reviewed on: 05/08/2015				
Updates:				
Recommendation:				
File 16 – Gayten & Dominguez				

Order to Show cause

DOD: 01/09/14	<p>JOHN FRANKLIN MARCHESE, son, was appointed Executor with full IAEA and without bond on 11/14/14.</p> <p>Minute Order from 11/14/14 set a status hearing regarding filing of the Inventory & Appraisal for 04/07/15.</p> <p>Minute Order from 04/07/15 states: The Court issues an Order to Show Cause to Bradley Silva and John F. Marchese for failure to appear and failure to file the Inventory and Appraisal. Mr. Silva and Mr. Marchese are both ordered to be personally present in court on 5/12/15; the Court will also consider whether or not Mr. Marchese should be removed as Executor. Clerk's Certificate of Mailing shows that a copy of the Minute Order dated 04/07/15 was mailed to Bradley Silva and John F. Marchese on 04/07/15.</p> <p>Inventory & Appraisal, Final, filed 04/22/15 - \$293,138.25</p>	NEEDS/PROBLEMS/COMMENTS:
Cont. from		
<input type="checkbox"/> Aff.Sub.Wit.		
<input type="checkbox"/> Verified		
<input checked="" type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg		
<input type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: JF Reviewed on: 05/07/15 Updates: Recommendation: File 17 – Marchese

Petition to: (i) Compel Attorney-In-Fact to Account and Report all Transactions to Determine Surcharges for Bad Faith Conduct; (ii) Compel Respondents to Return Property; (iii) Impose Constructive Trust; and (iv) for Attorneys' Fees

		<p>CHRISTOPHER NEAL is petitioner.</p> <p>Petitioner states he executed a power of attorney nominating his step-daughter, Jennifer O'Lane ("Jennifer") for the sole purpose of receiving various assets distributed to him pursuant to this Court's Order settling the First and Final Account and Report of Trustee (the "Final Order"). Jennifer has refused to deliver the property she received as agent to Petitioner, and has utilized the property for her own use and benefit, in conjunction with her husband Michael O'Lane ("Michael"). Jennifer has refused to provide an accounting of the property she received. After numerous requests by Petitioner to deliver the property, she told Petitioner, "sue me."</p> <p>Petitioner states his mother Pat Neal created the Pat Neal Living Trust. Petitioner's brother, Michael Neal, (the "Trustee") was the Trustee of the Trust. Petitioner states he was a 1/3 beneficiary of the Trust.</p> <p>During the course of the administration, Petitioner was out of the country for extended travels in South America. After the Final Order was entered, Trustee was obligated to distribute Petitioner's share of the trust estate.</p> <p>Petitioner states he executed a power of attorney nominating Jennifer to receive his distributive share from the Trust and manage his assets during his absence.</p> <p>Please see additional page</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order dated 2/17/15 states Ms. Amador represents that Jennifer O'Lane is medically unable to attend today's hearing. Ms. Amador states that she has authority from her client to accept service on her behalf; service of the Order After Hearing was affected in open court today. If the accounting is not filed by 5/8/15, then Jennifer O'Lane is ordered to be personally present on 5/12/15. If said accounting is filed by 5/8/15 then no appearance is necessary on 5/12/15.</p>
Cont. from 121814, 021715			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input checked="" type="checkbox"/>	Pers.Serv. W/		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order X		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		<p>Reviewed by: KT</p> <p>Reviewed on: 5/8/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 18A - Neal</p>	

Acting under the authority of the power of attorney, the Trustee then distributed assets to Jennifer on behalf of the Petitioner. Cash in the amount of \$74,717.86 was distributed to Jennifer.

Petitioner alleges that Jennifer's attorney requested that at least a portion of the assets distributed to her on behalf of Petitioner be distributed to her in her individual name and not as attorney in fact for Petitioner.

Upon Petitioner's return from South America, the assets were not delivered to Petitioner.

Petitioner believes that Jennifer managed the real property distributed to him and has kept the rent payments for her own benefit.

Petitioner states he has made numerous requests for an accounting and for the assets, including formal requests made by his counsel. Despite indicating that the information would be forthcoming, no accounting has ever been produced or cash turned over to Petitioner.

Petitioner states Jennifer should be compelled to account for actions as agent.

Jennifer should be compelled to deliver Petitioner's property forthwith.

Jennifer and Michael are in wrongful possession of property that belongs to Petitioner. Petitioner requests the Court find that they are constructive trustees of such property.

Therefore Petitioner prays for a Court order as follows:

1. Compelling Jennifer to provide an accounting of her actions as agent under the power of attorney;
2. Compelling Jennifer to deliver Petitioner's property to him;
3. Finding that Jennifer breached her fiduciary duty to Petitioner under the power of attorney;
4. Requiring Jennifer to pay double damages;
5. Finding Jennifer and Michael are constructive trustees of the Petitioner's property;
6. Requiring Jennifer to pay Petitioner's reasonable attorney fees and costs in this matter.

Status Hearing Re: Accounting

		<p>CHRISTOPHER NEAL petitioned the Court requesting the Court:</p> <p>7. Compel Jennifer O'Lane to provide an accounting of her actions as agent under the power of attorney;</p> <p>8. Compelling Jennifer O'Lane to deliver Petitioner's property to him;</p> <p>9. Finding that Jennifer O'Lane breached her fiduciary duty to Petitioner under the power of attorney;</p> <p>10. Requiring Jennifer O'Lane to pay double damages;</p> <p>11. Finding Jennifer O'Lane and Michael O'Lane are constructive trustees of the Petitioner's property;</p> <p>12. Requiring Jennifer O'Lane to pay Petitioner's reasonable attorney fees and costs in this matter.</p> <p>On 12/18/14 the Court made an order requiring Jennifer O'Lane to prepare and file and account of her actions as agent under the power of attorney within 60 days of the 12/18/14 hearing date.</p> <p>This status hearing was set for status on the filing of Jennifer O'Lane's accounting.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order dated 2/17/15 states Ms. Amador represents that Jennifer O'Lane is medically unable to attend today's hearing. Ms. Amador states that she has authority from her client to accept service on her behalf; service of the Order After Hearing was affected in open court today. If the accounting is nto filed by 5/8/15, then Jennifer O'Lane is ordered to be personally present on 5/12/15. If said accounting is filed by 5/8/15 then no appearance is necessary on 5/12/15.</p>
Cont. from 021715			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		<p>Reviewed by: KT</p> <p>Reviewed on: 5/8/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 18B - Neal</p>	

18B

Petitioner Hall, Pamela (pro per – non-relative)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 6 months		<u>NO TEMPORARY REQUESTED</u>		NEEDS/PROBLEMS/COMMENTS:	
		PAMELA HALL , non-relative, is Petitioner.		1. Need <i>Notice of Hearing</i> .	
		Father: NOT LISTED		2. Need proof of service at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian of the Person</i> <u>or</u> <i>Consent & Waiver of Notice</i> <u>or</u> <i>Declaration of Due Diligence</i> for:	
Cont. from		Mother: KA JUANA RHONE – <i>Declaration of Due Diligence</i> filed 03/12/15		a. Father – personal service required	
	Aff.Sub.Wit.			b. Ka Juana Rhone (mother) – personal service required	
✓	Verified	Paternal grandparents: NOT LISTED		c. Paternal grandparents – service by mail sufficient	
	Inventory	Maternal grandfather: NOT LISTED		d. Maternal grandfather – service by mail sufficient	
	PTC	Maternal grandmother: NOT LISTED (ANNIE MADISON)		e. Annie Madison (maternal grandmother) – service by mail sufficient	
	Not.Cred.				
	Notice of Hrg	x			
	Aff.Mail	x			
	Aff.Pub.				
	Sp.Ntc.				
	Pers.Serv.	x			
✓	Conf. Screen				
✓	Letters				
✓	Duties/Supp				
	Objections				
	Video Receipt				
✓	CI Report				
	9202				
✓	Order				
	Aff. Posting				
	Status Rpt				
✓	UCCJEA				
	Citation				
	FTB Notice				
				Reviewed by: JF	
				Reviewed on: 05/07/15	
				Updates:	
				Recommendation:	
				File 19 - Rhone	

Petition for Appointment of Probate Conservator of the Person (Prob. C. 1820, 1821, 2680-2682)

			See petition for details.	NEEDS/PROBLEMS/COMMENTS:	
				Court Investigator advised rights on 4/22/15	
				Voting rights affected – need minute order	
				1. Need capacity declaration in support of request for medical consent powers under Probate Code §2355.	
	Aff.Sub.Wit.				
✓	Verified				
	Inventory				
	PTC				
	Not.Cred.				
✓	Notice of Hrg				
✓	Aff.Mail	W			
	Aff.Pub.				
	Sp.Ntc.				
✓	Pers.Serv.	W			
✓	Conf. Screen				
✓	Letters				
✓	Duties/Supp				
	Objections				
	Video Receipt				
✓	CI Report				
	9202				
✓	Order				
	Aff. Posting		Reviewed by: skc		
	Status Rpt		Reviewed on: 5/7/15		
	UCCJEA		Updates:		
✓	Citation		Recommendation:		
	FTB Notice		File 20 - Andrade		

Petition for Probate of Will and for Letters Testamentary with IAEA Authority

DOD: 2/11/15		<p>COREY KIEWER, Grandson, is Petitioner and requests appointment as Administrator with Will Annexed without bond.</p> <p>All heirs waive bond</p> <p>Full IAEA – ok</p> <p>Will dated 10/26/09</p> <p>Residence: Kerman (outside city limits) Publication: Business Journal</p> <p>Estimated value of estate: Personal property: \$ 5,000.00 Annual income: \$ 25,000.00 Real property: \$500,000.00 Total: \$530,000.00</p> <p>Probate Referee: Steven Diebert</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Order, Letters per Local Rule 7.1.1.F.</p> <p><u>Note:</u> If granted, the Court will set status hearings as follows:</p> <ul style="list-style-type: none"> Tuesday, October 13, 2015 for filing Inventory and Appraisal Tuesday, August 9, 2016 for filing first account or petition for final distribution <p>If the proper items are on file prior to the status dates pursuant to Local Rule 7.5, the status hearings may be taken off calendar.</p>	
✓	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			w/o
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			x
✓	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order			x
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
<p>Reviewed by: skc</p> <p>Reviewed on: 5/7/15</p> <p>Updates: 5/8/15</p> <p>Recommendation:</p> <p>File 21 - Samarin</p>				

DOD: 9/30/14			IRENE N. WOOD, JOHN-PAUL B. WOOD, and CHRISTOPHER JAMES WOOD , adult children of the decedent, are petitioners. 40 days since DOD No other proceedings I&A: \$100,000.00 (real property) Decedent died intestate Petitioners requests Court confirmation that Decedent's 100% interest in the real property passes to them in one-third undivided interests each.	NEEDS/PROBLEMS/COMMENTS:
	Aff.Sub.Wit.			
✓	Verified			
✓	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	w		
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 5/7/15	
			Updates:	
			Recommendation: SUBMITTED	
			File 23 - Wood	

Petition for Appointment of Temporary Guardian of the Person (§2250)

		See petition for details.	NEEDS/PROBLEMS/COMMENTS: 1. Need UCCJEA (Form GC-120) providing the residence information for the children for the past five years and other relevant information. 2. Need Notice of Hearing. 3. Need proof of personal service of Notice of Hearing with a copy of the temp petition at least five court days prior to the hearing pursuant to Probate Code §2250(e) <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on: - Violet Douglas (Minor) - Jamie Ann Douglas (Mother) - Theodor Vasquez (Jade's father) - Violet's father
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg	X		
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.	X		
✓ Conf. Screen			
✓ Letters			
✓ Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
UCCJEA	X		
Citation			
FTB Notice			
		Reviewed by: skc	
		Reviewed on: 5/7/15	
		Updates:	
		Recommendation:	
		File 24 – Douglas, Vasquez	